

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**TNS MEDIA RESEARCH, LLC (d/b/a  
KANTAR MEDIA AUDIENCES) and  
CAVENDISH SQUARE HOLDING, B.V.,**

**Plaintiffs,**

**- against -**

**TIVO RESEARCH AND ANALYTICS,  
INC. (d/b/a TRA, Inc.),**

**Defendant.**

**ORDER**

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**TIVO RESEARCH AND ANALYTICS,  
INC. (d/b/a TRA, Inc.),**

**11 Civ. 4039 (SAS)**

**Counterclaim-Plaintiff,**

**- against -**

**TNS MEDIA RESEARCH, LLC (d/b/a  
KANTAR MEDIA AUDIENCES);  
CAVENDISH SQUARE HOLDING, B.V.;  
WPP PLC; WPP GROUP USA, INC.;  
KANTAR GROUP LTD.; and KANTAR  
RETAIL AMERICA, INC.,**

**Counterclaim-Defendants.**  
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**SHIRA A. SCHEINDLIN, U.S.D.J.:**

On April 18, 2016, TRA filed a Motion for Disqualification under 28 U.S.C. § 455(a). TRA argues that because I will retire from the bench at the end of this month and intend to join a law firm after retirement, and because I have declined to identify this law firm while still on the bench — in accordance with the suggestion of the Administrative Office of the United States Courts — a reasonable person could question my impartiality in this case. I have presided over this action for four years. TRA's motion is meritless, and is DENIED.

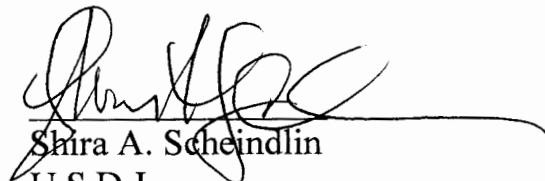
By TRA's reasoning, any federal judge who elects to retire and join a law firm — and who declines to name the firm prior to departing the bench — would be necessarily disqualified from *each and every case* before that judge, as the parties in each and every case would be reasonable in assuming that the judge was concealing a conflict of interest while still on the bench. TRA contends this is so notwithstanding the fact that I have no pecuniary or professional interest in the firm, have not yet joined the firm, and am still a member of the federal judiciary.

At TRA's insistence, I requested a conflict check from the firm where I will serve as counsel. This conflict check determined that there is no history of representation between said firm and any of the parties in this case. Not satisfied, TRA now requests that a further conflict check be made as to hundreds of WPP PLC's subsidiaries. A further check is unnecessary for the reasons just

stated. TRA next argues that any firm with which I may have negotiated — although TRA has no information of any such negotiations — would also raise a conflict if that firm ever represented any party in this case. This argument is patently frivolous and not worthy of any further response. TRA's motion is a transparent attempt to derail the resolution of Kantar's pending motion to dismiss — the latest of many such attempts, carried out by TRA in a weeks-long letter-writing campaign — and has no basis in the law.

For the foregoing reasons, TRA's motion is DENIED. The Clerk of the Court is directed to close this motion (Dkt. No. 238).

SO ORDERED:

  
Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
April 18, 2016

**- Appearances -**

**For Defendant and Counterclaim-Plaintiff TRA:**

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